

REMARKS/ARGUMENTS

Withdrawal of the final rejection, and reconsideration of this application is respectfully requested in view of the foregoing amendments to the claims and the following remarks.

The status of the claims stand as follows:

Claims 1-8, 10-13 rejected; and

Claim 9 objected to but indicated as allowable.

The Examiner is thanked for the indication that Claim 9 contains allowable subject matter, however this Claim has not been rewritten in independent form or amended because it is contended that all claims now presented for Examination are in condition for allowance.

The examiner is also thanked for the courtesy extended to the undersigned during a telephone interview dated June 17, 2005. During that interview the above amendment to claim 1 was discussed as well as the rejection of all claims as discussed below. No agreements were reached during the interview.

With regard to the amendment to claim 1, entry of this amendment is respectfully requested. Support for this amendment is on page 10, lines 22-26. Therefore, this amendment does not constitute new matter. As discussed during the above interview, it is applicants' position that the above amendment does not raise any new issues or require further search on the part of the examiner. Applicants argued in the response to the first office action that one of the differences between the present invention as set out in claim 1 and the prior art cited by the examiner is that the locking members of the second locking hinge are evenly space but the locking members of the secondary reference are not evenly spaced. The above amendment provides clear support in claim 1 for applicants' arguments. Further, it is applicants' position that the amendment to claim 1 places this entire application in condition for allowance as discussed below.

In the final rejection of April 8, 2005, the examiner has rejected claims 1-8, 10, and 13 under 35 U.S.C. § 103(a) based on U. S. Patent No. 6,095,608, Ganot, et al. ("Ganot") in view of U. S. Patent No. 4,770,464, Pipon, et al. ("Pipon"). This rejection is respectfully traversed.

On page 3 of the final rejection, the examiner concludes relative to claim 1 that it would have been obvious to "modify one of the hinge mechanisms of Ganot with Pipon's articulation

member, for providing 'a compensation of play' of the reclining mechanism." The examiner bases this conclusion on the misreading of Pipon and also by reading Ganot with the hindsight benefit of the present application.

Relative to Ganot, there is no disclosure or suggestion that a locking mechanism with play could be used or even would be desirable. In fact, the clear teaching of Ganot is that the first hinge mechanism includes a memory unit to remember a particular angular position and that the second hinge be a conventional hinge mechanism (see Col 3, lines 53-62). There is no disclosure that either hinge can include play. In fact, the first hinge is described as having "three notches 50 which open out radially inwards and which form radial guides in which the first pegs 34 of the slugs can slide radially, substantially without play in the circumferential direction." The description of the second hinge also does not show that the slugs can move in a circumferential direction. There is no recognition in Ganot that during manufacture the build up of tolerances could make one of the hinges not properly lock. The take up device 20 relates to the interaction of the two locking hinges relative to "lost motion" and does not address or assist in resolving the locking mismatch the present invention addresses.

Relative to Pipon, even though there is a disclosure of circumferential play, this play is only disclosed in the environment of three locking slugs that are slightly shifted from 120° with the angular shift being based on the pitch of the teeth. The shift is to enable the locking mechanism to successfully lock in finer increments than the number of locking teeth. The purpose of the play in Pipon is to allow better adjustability of the locking mechanism. There is no disclosure or suggestion that the circumferential play disclosed in Pipon will remedy or be useful to remedy a slight mismatch between two different locking hinge mechanisms so that both hinges fully lock at all times. The play disclosed in Pipon is designed to work with slugs having an angular shift and there is no disclosure that this play would have the features or benefits ascribed by the examiner. Furthermore, a person of ordinary skill would recognize that the structure of Pipon must be used with a carefully matched second hinge mechanism to avoid improper re-locking situations because of the angular offset of the slugs. The examiner's position that the pitch of the teeth in Pipon is the same as in Ganot would have lead a person of ordinary skill to the invention as claimed is incorrect because if the two structures had teeth of

the same pitch, the Pipon structure would improperly lock or bind at unexpected and unpredictable times causing an unsatisfactory situation. Without applicants' disclosure, there would be no expectation that the combination of Ganot and Pipon would be successful (MPEP §2143.02). To take the play element of Pipon without the uneven spacing element of Pipon is to ignore the disclosure of Pipon taken as a whole. It is not proper for the examiner to pick some elements while at the same time ignore other elements of a document that do not support the examiner's rejection (MPEP §2141.03).

Contrary to the unsupported statement of the examiner that the use of two different locking hinge mechanisms is "merely a matter of engineering design choice," the hindsight reconstruction of individual elements from two unrelated hinging systems is not the test of obviousness (MPEP §706.02(j)). There would not have been any motivation to combine these two documents in large part because the purpose of the structure of the two locking hinge systems is entirely different, locking in smaller increments in Pipon and simpler locking with recline memory in Ganot. For at least these reasons, the invention of claims 1-8, 10 and 13 is not suggested by the combined teachings of Ganot and Pipon. Therefore this rejection is unwarranted and should be withdrawn.

The examiner has also rejected claims 11 and 12 based on 35 U.S.C. 103(a) in view of Ganot, Pipon and U. S. Patent No. 6,561,585, Cilliere, et al. ("Cilliere"). This rejection is respectfully traversed.

Cilliere does not add to the disclosures of Ganot and Pipon. The type of hinging mechanism is quite different, and a person of ordinary skill would not have been motivated to combine Cilliere with the Ganot and Pipon patents to arrive at the invention of claims 11 and 12. Cilliere describes a hinge mechanism without significant play. There would be no motivation to combine this disclosure with either or both the Ganot or Pipon disclosures. Therefore, this rejection is unwarranted and should be withdrawn.


Appl. No. 10/612,430
Amdt. dated June 22, 2005
Reply to O.A. of April 8, 2005

It is contended that the instant application has been placed in condition for allowance as all claims are in compliance with the requirements of 35 USC §103a. Withdrawal of the final rejection and allowance of this application is respectfully requested.

Respectfully submitted,

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